

DETAILED ACTION

This office action is in response to the communication received on January 9, 2008.

Claims 1-12 are pending in this application.

The following rejections are maintained:

Claims 1-3, 5-7 and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dow, U.S. 2004/0259887 (effective filing date June 18, 2003). The reasons provided in the previous office action are incorporated here by reference.

Applicant relies on the English language translation of the priority document DE 10315735.2 filed April 4, 2003 to antedate the reference. This is not found to be persuasive as the priority document does not fully support the instant claims. For example, the instant claims recite in the definition of L, terms “nitro, -C(=S)-N(A')A, -C(=NA')-SA” which are not present in the priority document. Further, the instant claims recite in the definition of R³, the term “C(=S)-NR^aR^b” which is not found in the priority. As the priority document fails to antedate the reference, the rejection of the previous office action is maintained.

The following rejections and objections are under new grounds:

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the

invention. Claim 3 recites the limitation " R^3 is ... C(=S)NR^zR^b" in lines 1-2. There is insufficient antecedent basis for this limitation in claim 1 on which claim 3 is dependent. In claim 1, the definition of R^3 contains the term: ' C(=S)NR^aR^b'. The terms R^a and R^z are different and are separately defined in claim 1.

Duplicate Claims

Applicant is advised that should claim 10 be found allowable, claim 11 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k). Claims 10 and 11 are identical.

Allowable Subject Matter

Claims 4 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Deepak Rao whose telephone number is (571) 272-0672. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James O. Wilson, can be reached at (571) 272-0661. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**/Deepak Rao/
Primary Examiner
Art Unit 1624**

March 31, 2008